

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH E. HUDAK,

Plaintiff,

Vs.

REGIS BOBITSKI AND
LISA A. BOBITSKI,

Defendants.

)
) No. 09-1172
)

MEMORANDUM ORDER

Before the Court is Defendants' Motion to Dismiss pursuant to Fed. R. Civ. P. 12, for lack of jurisdiction, venue, failure to state a claim, and failure to meet the amount in controversy requirement. By Orders dated September 21, October 16, and November 17, 2009, this Court directed Defendants to file a brief in support of their Motion to Dismiss. The latest two Orders were docketed online and also mailed to Defendants. The deadline set by the last of these Orders was December 7, 2009. No brief has been filed.

According to Local Rule 7, all motions filed in this Court shall comply with the practices and procedures of the assigned Judge, and the orders of the assigned Judge. Additionally, my chambers practices and procedures regarding Motions Practice require that a motion be accompanied by a brief.

Defendants have failed to comply with applicable rules, as well as this

Court's multiple Orders, regarding the filing of a supporting brief. Additionally, absent the brief, they have failed to persuade the Court that there exist grounds for dismissal under Rule 12. Defendants' Motion (Docket No. [6]) is denied.

AND NOW, this 8th day of January, 2010, IT IS SO ORDERED.

BY THE COURT:

/s/Donetta W. Ambrose

Donetta W. Ambrose

Judge, U.S. District Court